



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/870,386

05/29/2001

Anke Bodicker

739-X01-003

7495

27317

7590

05/19/2004

FLEIT KAIN GIBBONS GUTMAN & BONGINI
COURVOISIER CENTRE II, SUITE 404
601 BRICKELL KEY DRIVE
MIAMI, FL 33131

EXAMINER

LU, TOM Y

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,386

Applicant(s)

BODICKER ET AL.

Examiner

Tom Y Lu

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Engelmann et al (U.S. Patent No. 5,987,345).

- a. Referring to Claim 1, Engelmann discloses a user interface (user interface 13, column 3, line 33) having a set of icons ("file", "control"... etc in menu bar 35, and "zoom", "open patient"...etc in bottom control area 36, see figures 3 and 16), each of the icons being selectable by a user to specify a sequence of images (see figure 10 for a sequence of images); and an input device (a keyboard or pointing device, column 3, line 26) for going from a current image to the next succeeding image in the sequence in response to a single input action of the user (the selection of the sequence of images shown in figure 10 is based upon the input action of input device).
- b. Referring to Claim 2, Engelmann discloses wherein the set of icons comprises a first subset of icons, each icon of the first sub-set of icons specifying a view (Engelmann at column 5, lines 60-61, teaches control area 36 allows the user to modify the image viewing characteristics).

- c. Referring to Claim 3, Engelmann discloses wherein the set of icons comprises a second sub-set of icons, each icon of the second sub-set of icons specifying a computer aided diagnosis function to be performed on an image (Engelmann at column 5, lines 59-50; teaches menu bar 35 provides tools to manipulate the images as well as information displayed in the other areas, also see column 5, lines 1-2, for computer aided diagnosis).
- d. Referring to Claim 4, Engelmann discloses having a first toolbar for the first sub-set of icons and a separate second toolbar for the second subset of icons (menu bar 35 and control area 36).
- e. Referring to Claim 5, Engelmann discloses wherein the sequence specifies the sequence of images to be displayed for each said medical case being screened (main image viewing area 31 displays sequence of images for each patient case).
- f. Referring to Claim 6, Engelmann discloses wherein the input device comprises a keypad with a next-step button, wherein a next succeeding image of the sequence of images is displayed in response to a user pressing the next-step button (keyboard device inherently contains a key with a next-step button, such as the space bar or enter key to click on the next image in CAD/image selection area 32 to display the next succeeding image of the sequence).
- g. Referring to Claim 9, Engelmann discloses annotation component for entering and storing an annotation for a particular medical case (column 5, line 15).
- h. Referring to Claim 10, Engelmann discloses a graphical input too for highlighting a region in an image and storage for storing of the highlighted region in associated

with the image (as shown in figure 17, the region of interest is zoomed in, which is highlighted herein, such particular region of interest in the image can be stored in printer buffer, column 9, lines 9-10).

- i. Referring to Claim 11 Engelmann discloses at least one display device, wherein the icons can specify a tiling condition of the at least one display device (see figure 14, wherein the menu bar 35 and control area 36 can specify the tiles in the display).
- j. With regard to Claim 12, all limitations are addressed in Claim 1.
- k. Referring to Claim 13, Engelmann discloses whereby a view of an image of the sequence of images is specified responsive to selection of an icon of a preselected sub-set of icons of the set of icons (menu bar 35 or control area 36 can the claimed "preselected sub-set of icons of the set of icons").
- l. Referring to Claim 14, Engelmann discloses whereby an image processing algorithm is performed on an image of the sequence of images responsive to selection of an icon of a preselected sub-set of icons of the set of icons (such as zoom command from control area 36).
- m. Referring to Claim 15, Engelmann discloses the step of reviewing the sequence of images with respect to each said medical case and going to a consecutive medical case in response to a single input action when review of the sequence of images of the current case has been completed ("open patient" in control area 36 teaches such step).
- n. With regard to Claim 16, see explanation in Claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelmann in view of French-St. George et al (U.S. Patent No. 6,012,030).

- a. Referring to Claim 7, Engelmann teaches using keyboard/mouse to input commands. Engelmann does not teach use of a touch screen. French-St. George at column 7, line 35 teaches using touch screen for user interface input. Because the use of keyboard/mouse and touch screen as user interface input were art-recognized equivalents at the time the invention was made, a person of ordinary skill in the art would have found it obvious to substitute touch screen for keyboard/mouse.
- b. With regard to Claim 8, French-St. George teaches use of speech recognition for interface input. The motivation for combination two references is provided in Claim 7.

Conclusion

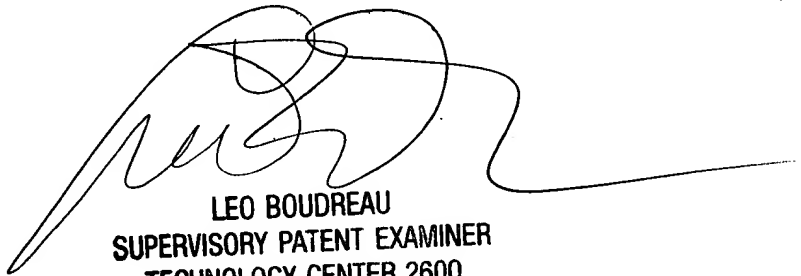
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600